

**CHAPTER NO. 304**

**HOUSE BILL NO. 1291**

**By Representative Lois DeBerry**

**Substituted for: Senate Bill No. 1769**

**By Senators Person, Burks, Crutchfield, Jackson, Harper, Bowers**

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 3, Part 1, relative to detention of juveniles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 3, Part 1, is amended by inserting the following as a new section thereto:

(a) The commission is charged with the development of a decision-making tool that is proposed to be used by juvenile court judges and their designees to objectively assess the risk that a child who is alleged or determined to be delinquent or unruly poses to the community or the risk that such a child will not appear at future adjudicatory hearings and, therefore, to determine whether the child should be detained in secure detention pursuant to title 37, chapter 1. This assessment tool should be developed by the commission with the intention that, if implemented, it will be used consistently across the state.

(b) In addition to developing the assessment tool, the commission shall include the following in its report to the general assembly:

(1) A recommended plan for the implementation of the assessment tool consistently across the state;

(2) Recommendations for a monitoring and reporting process to track the use of the assessment tool, in particular to track the use of any overrides or waivers of the assessment tool that would be made available to the courts;

(3) Recommendations for a time frame and process for periodic review, modification and update of the assessment tool; and

(4) Any other factors the commission finds relevant to the successful implementation of the assessment tool, in its discretion.

(c) In developing the assessment tool and the related recommendations, the commission shall assemble a group of stakeholders of a size within its discretion, which may include national experts on juvenile detention or juvenile detention alternatives, and which shall include at least one (1) representative appointed by each of the following groups:

(1) Tennessee Bar Association;

(2) Tennessee Sheriffs' Association;

(3) Tennessee Association of Chiefs of Police;

(4) Tennessee Voices for Children;

(5) Tennessee Association of Mental Health Organizations;

(6) Tennessee district attorneys general conference;

(7) Tennessee district public defenders conference;

(8) Tennessee administrative office of the courts;

(9) Tennessee Organization of School Superintendents;

(10) Tennessee School Resource Officers Association;

(11) Tennessee Juvenile Court Services Association; and

(12) Tennessee council of juvenile and family court judges.

(d) The commission shall report its findings, including the proposed assessment tool, to the select committee on children and youth of the general assembly, the house children and family affairs committee, and the senate judiciary committee, no later than January 15, 2006, for the general assembly's consideration of statewide implementation of the assessment tool.

SECTION 2. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 19, 2005**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 6<sup>th</sup> day of June 2005**

  
PHIL BREDESEN, GOVERNOR